APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,048	12/01/2003	Becky Jean Gibson	260-001	2653

44185 7590 04/18/2007	EXAMINER	
LOTUS AND RATIONAL SOFTWARE	SHIH, HAOSHIAN	
McGuinness & Manaras LLP		
125 NAGOG PARK	ART UNIT	PAPER NUMBER
ACTON, MA 01720	2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-27 are pending in this application and have been examined in response

to application filed on 12/01/2003.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   Claims 25-27 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

4.   As to claim 25, the claim recites "A computer data signal embodied in a carrier

wave". Signals do not fall with in one of the four categories of patent eligible subject

matter.

5.   Claims 26-27 are rejected under similar rationale due to the their dependency to

claim 25.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mag Hourihan (Hourihan, "Using JavaScript to Create a Powerful GUI, http://web.archive.org/web/20021220173657/http://www.oreillynet.com/lpt/a/1449) in view of W3C HTML 4.01 specification (W3C, http://www.w3.org/TR/1999/REC-html401-19991224/) and in further view of Yehuda Shiran (Shiran, "Creating A modal Dialog Box").**

8.   As to **INDEPENDENT** claim 1, Hourihan discloses a method for creating at least one accessible graphical image, comprising providing said at least one accessible graphical image within a graphical object (pg.2, paragraph Building a Simple Toolbar, fig.1; "creating a simple toolbar to hold three buttons"), wherein said providing said at least one accessible graphical image is responsive to at least one image command (pg. 2, paragraph Using JavaScript to Manipulate Text Selections, "function format_sel()"; pg.4, paragraph Putting it All Together With HTML, "onclick="format_sel('b')"; "onclick" represents a mouse click event, "format_sel('b') represent a Bold text changing command), said image command including a first attribute determining the processing of at least one predetermined mouse click event (pg.4, paragraph Putting it All Together With HTML, "onclick="format_sel()"; "onlclick" represents a mouse click event), wherein said first attribute have parameters indicating a software routine operable to perform a predetermined function associated with said accessible graphical image (pg. 2,

paragraph Using JavaScript to Manipulate Text Selections, "function format_sel()");.
Hourihan does not disclose a second attribute that handles keyboard event and the
graphical object is a modal dialog box.

In the same field of endeavor, W3C discloses an attribute that handles keyboard event
(ch. Index of Attributes, attribute "onkeypress"; ch. 17.11.1 Tabbing navigation section
Tabbing keys, " "enter" key is used to activate a selected element"). W3C does not
disclose a modal dialog box.

It would have been obvious to one of ordinary skill in the art, having the teaching of
Hourihan *and* W3C before him at the time the invention was made, to modify the
graphical object taught by Hourihan *to* include keyboard events taught by W3C with the
motivation being to increase the usability of the graphical object.

In the same field of endeavor, Shiran discloses the graphical object is a modal dialog
box (pg. 1; window.showModalDialog() function call).

It would have been obvious to one of ordinary skill in the art, having the teaching of
Hourihan *and* W3C *and the teaching of* Shiran before him at the time the invention was
made, to modify the multi-accessible graphical object taught by Hourihan *and* W3C to
include a modal dialog box taught by Shiran with the motivation being to provide a
program alert in response to important conditions (pg.1, paragraph 1).

9.   As to **INDEPENDENT** claim 8 is similar to claim 1, it is rejected under same rationale.

10.   As to **INDEPENDENT** claim 15 is similar to claim 1, it is rejected under same rationale.

11.   As to **INDEPENDENT** claim 22 is similar to claim 1, it is rejected under same rationale.

12.   As to **INDEPENDENT** claim 25 is similar to claim 1, it is rejected under same rationale.

13.   As to claims 2, 9, 16, 23 and 26, W3C discloses wherein said at least one image command further comprises a third attribute having a parameter indicating an ordinal value to be associated with said at least one graphical image, wherein said ordinal value represents a relative position within an ordering of graphical images within said modal dialog box graphical object, whereby a user is allowed to access said at least one graphical image by using a keyboard action resulting in ones of said graphical images within said modal dialog box being sequentially accessed responsive to said ordering of graphical images within said modal dialog box (ch. 17.11.1 Tabbing navigation).

14.   As to claims 3, 10, 17, 24 and 27, Hourihan discloses wherein said at least one

image command further comprises a fourth attribute having a parameter including text

associated with said at least one graphical image (pg. 4, paragraph Putting it all

together with HTML; "alt" attribute). Hourihan does not specifically disclose wherein

said text is accessible to a screen reader program for conversion to an audio output

signal.

W3C discloses wherein said text is accessible to a screen reader program for

conversion to an audio output signal (ch. 13.8 How to specify alternate text).

15.   As to claims 4, 11 and 18, Hourihan discloses wherein said at least one image

command is stored within a document containing formatting information for a user

interface, wherein said document is a Web page, and wherein said image command is a

tag of a mark-up programming language (pg.2, paragraph Building a Simple Toolbar,

fig.1; pg. 4-5, paragraph Putting it All Together With HTML).

16.   As to claims 5, 12 and 19 W3C discloses wherein said at least one

predetermined keyboard event comprises detection of a user pressing the enter key (ch.

Index of Attributes, attribute "onkeypress"; ch. 17.11.1 Tabbing navigation section

Tabbing keys, " "enter" key is used to activate a selected element").

17.   As to claims 6, 13 and 20, Hourihan discloses wherein said at least one

accessible graphical image comprises a plurality of accessible graphical images (pg.2

paragraph Building a Simple Toolbar, fig.1; a bold, an italic and a link image), wherein

each of said accessible graphical images is associated with a respective one of a

plurality of predetermined functions, wherein each of said plurality of predetermined

functions comprises one of a set of tool bar accessible functions (pg. 2, paragraph

Using JavaScript to Manipulate Text Selections, "function format_sel()"; pg. 4-5,

paragraph Putting it All Together With HTML, "onclick="format_sel ('I'),

"onclick="format_sel('b'), "onclick="Iinsert_link()").

18.   As to claims 7, 14 and 21, Hourihan discloses wherein said plurality of

predetermined functions comprise text formatting operations, and wherein said software

routine operable to perform said predetermined function is further operable to perform

an associated one of said text forwarding operations (pg.2-3 paragraph Using

JavaScript to Manipulate Text Selections; "function format_sel()").

Conclusion

19.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teaches web document GUI and editing.

20.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haoshian Shih whose telephone number is (571) 270-

1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

TADESSE HAILU
Patent Examiner